

Message Text

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PAGE 01 STATE 271748

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO CITY IMMEDIATE

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PASS TO SCA ADMINISTRATOR WATSON FROM MR. RECKNAGEL ACTING

1. FOLLOWING IS GUIDANCE PROVIDED NEWS OFFICE ON ARREST
OF AMERICANS IN MEXICO FOR NOON BRIEFING: QUOTE

Q. DID THE DEPARTMENT RECEIVE CONGRESSMAN STARK'S LETTER
DATED DECEMBER 9, 1974 CHARGING THAT AMERICANS ARRESTED
AND INCARCERATED IN MEXICO ARE DENIED THEIR LEGAL
RIGHTS, AND ARE TREATED IN A DISCRIMINATORY AND INHUMANE
MANNER BY THE MEXICAN COURTS AND PENAL INSTITUTIONS?

A. YES.

Q. WHAT IS THE DEPARTMENT GOING TO DO ABOUT THESE ALLE-
GATIONS?

A. THE PROTECTION AND WELFARE OF AMERICANS ABROAD IS AND
WILL CONTINUE TO BE A PRIMARY CONCERN TO THE DEPARTMENT OF
STATE. WHENEVER WE RECEIVE REPORTS OF MISTREATMENT OF
AMERICANS AT THE HANDS OF A FOREIGN GOVERNMENT, THESE RE-
PORTS ARE INVESTIGATED AND, IF SUBSTANTIATED, THE MATTER IS
TAKEN UP WITH THE FOREIGN GOVERNMENT. THERE HAVE BEEN A
NUMBER OF REPORTS OF MISTREATMENT OF AMERICANS JAILED IN
MEXICO IN THE PAST YEAR AND ON JULY 2, AND AGAIN ON OCTOBER
21, 1974, THE EMBASSY SENT NOTES TO THE MEXICAN GOVERNMENT
CALLING ITS ATTENTION TO THESE CHARGES OF ALLEGED MISTREAT-
MENT OF AMERICANS. REFERENCE WAS MADE TO SEVERAL ARREST

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 271748

CASES IN WHICH THE ARRESTED AMERICANS HAD CHARGED VARIOUS

FORMS OF MISTREATMENT INCLUDING BEATINGS, THEFT OF PERSONAL EFFECTS AND SIGNING OF SELF-INCRIMINATING STATEMENTS. WE BELIEVE THAT THESE REPRESENTATIONS HAVE HAD A POSITIVE EFFECT. THE EMBASSY HAS INFORMED THE STATE DEPARTMENT

"THAT THE REPORTS OF ABUSE AND ALLEGATIONS OF TORTURE HAVE DECREASED CONSIDERABLY. WITHIN THE LIMITS OF OUR PERSONNEL RESOURCES CONSULAR OFFICERS THROUGHOUT THE WORLD ATTEMPT TO PERIODICALLY VISIT AMERICANS WHO ARE UNDER ARREST IN A FOREIGN COUNTRY IN ORDER TO ASCERTAIN WHETHER THE AMERICANS ARE RECEIVING FAIR TREATMENT.

Q. IS IT TRUE THAT DEA AGENTS ARE PRESENT DURING INTERROGATIONS OF AMERICAN CITIZENS?

A. DEA IS, OF COURSE, COOPERATING CLOSELY WITH MEXICAN AUTHORITIES IN OUR JOINT EFFORTS TO DEAL WITH THE INCREASINGLY SERIOUS DRUG TRAFFICK PROBLEM, INASMUCH AS MORE THAN HALF OF THE HARD DRUGS COMING INTO THE UNITED STATES COME IN FROM MEXICO. THE MEXICANS OBVIOUSLY CARRY OUT THEIR OWN INTERROGATIONS OF AMERICANS WHO ARE DETAINED. AS A GENERAL RULE, DEA AGENTS ARE NOT PRESENT DURING ARREST OR INTERROGATION BY THE MEXICANS AND WOULD CERTAINLY NOT PARTICIPATE OR REMAIN IN AN INTERROGATION IF IT INVOLVED PHYSICAL ABUSE. WE HAVE NO EVIDENCE THAT THEY HAVE EVER BEEN PRESENT UNDER SUCH CIRCUMSTANCES. OF COURSE, SEPARATE INTERVIEWS OF AMERICANS BY DEA AUTHORITIES DO TAKE PLACE AS MAY BE PERMITTED BY THE MEXICANS AND AS REQUIRED TO RESOLVE CRIMINAL CHARGES.

Q. IS THE STATE DEPARTMENT GOING TO CHANGE ITS POLICY TOWARD PROTECTION OF AMERICAN CITIZENS IN MEXICO?

A. AS I HAVE EMPHASIZED BEFORE, THE PROTECTION AND WELFARE OF AMERICANS ABROAD IS AND WILL CONTINUE TO BE OF PRIME CONCERN TO THE DEPARTMENT OF STATE -- THAT WILL CONTINUE TO BE OUR POLICY.

Q. HOW MANY AMERICANS ARE PRESENTLY IN JAIL IN MEXICO?

A. AS OF THE END OF OCTOBER THERE WERE APPROXIMATELY 550 AMERICANS SERVING SENTENCES IN MEXICO, THE MAJORITY (APPROXIMATELY 430) ON DRUG-RELATED CHARGES. A SIGNIFICANT NUMBER OF THESE WERE ARRESTED FOR TRAFFICKING IN COMMERCIAL QUANTITIES OF HARD DRUGS.

UNCLASSIFIED

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PAGE 03 STATE 271748

Q. IS IT TRUE THAT CONSULAR ACCESS IS NOT GRANTED UNTIL 72 HOURS AFTER AN AMERICAN IS ARRESTED?

A. YES. WE HAVE ASKED AND CONTINUE TO ASK THE MEXICAN AUTHORITIES TO INFORM US AS SOON AS AN AMERICAN IS ARRESTED; WHATEVER THE CHARGE, SO THAT WE MAY HAVE IMMEDIATE ACCESS TO HIM OR HER.

Q. CONGRESSMAN STARK MADE REFERENCE TO THE DEPARTMENT OF DEFENSE LEGAL ASSISTANCE PROGRAM FOR ARMED SERVICES PER-

SONNEL ARRESTED IN FOREIGN COUNTRIES. DOES THIS APPLY TO PRIVATE CITIZENS?

A. NO. THE MILITARY CAN, OF COURSE, PROVIDE LEGAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES. WE CANNOT EXTEND THAT TYPE OF ASSISTANCE TO PRIVATE AMERICAN CITIZENS. END QUOTE. INGERSOLL

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